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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,974	09/24/2004	Uwe Foll	118744-029	1165

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BELL, BOYD & LLOYD, LLP
P.O. BOX 1135
CHICAGO, IL 60690

EXAMINER

PATEL, NIMESH

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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01/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/508,974	Applicant(s) FOLL, UWE	
	Examiner Nimesh Patel	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


 Nimesh Patel
 2617

Continuation of 11. does NOT place the application in condition for allowance because:

The applicant's argument,

"the remote mobile radio network (on the right hand side of Fig. 1) is a standard ISDN network, and not a packet -switched mobile radio network as required by claim 1", on page 6, lines 25 - 26.

The examiner respectfully disagrees,

"packet-oriented mobile radio network - is the part of the preamble, and not part of the claim".

The applicant's argument,

"according to Burns, no setup message relating to the first communication link is routed by the first communication terminal via the internet to any network node of a mobile radio network of package-oriented type", on page 6, lines 27 - 29.

The examiner respectfully disagrees,

"Burns discloses, calls placed by a calling party from a telephone station set 10 are completed to a wireless telephone 12 through a network which includes an originating inter exchange carrier - IXC switch 16, a terminating IXC switch 18, a signaling network 28, and a mobile switching center 22. Signaling network 20 interconnects the various components of the network (column 2, lines 29 - 41). The method how to process the call is described in detail that is routed to network node of the mobile radio network (Fig. 1, column 3, lines 1 - 5, and 37 - 59).

Here, Burns discloses, routing a call by signaling, and the Hamilton has the wireless network having access to Internet, PSTN and PLMN".

The applicant's argument,

"the service processor 28 in Burns is a predetermined device and is not determined in any way by any network node of a packet-oriented mobile radio network", on page 7, lines 3 - 5.

The examiner respectfully disagrees,

"Burns discloses, service processor 28 including a database 36, service logic 38 for processing calls. The database 36 stores records which include information about services provisioned for the customer, like if the customer is subscribed to a service feature "calling party pays airtime - CPPA feature. The service logic 38 represents the convention processing equipment and software needed to store, retrieve and process records in database 36 and to communicate with switch 32 and signaling network 20 - column 3, lines 16 - 36".

The applicant's argument,

"there is no automatic abortion of the establishment of the communication link in the case of a negative result of the authorization check. On the contrary, the user is required to hang up - Burns column 4, lines 14 - 16", on page 7, lines 5 - 7.

The examiner respectfully disagrees,


"automatic abortion - is not part of the claim".

The applicant's argument,

"the problem of billing a (remote) communication link being established via the internet does not occur, since it is clear from the onset that the service is billed to the sponsor", on page 7, lines 12 - 14.

The examiner respectfully disagrees,

"as Hamilton does teaches regarding billing system, the Charging Gateway 34 collects and processes all the charging or billing information for the GPRS packet switched data handled by network 10 in a collection process 35a (Hamilton, paragraph 0041). The call charge is related to the first link by the communications terminal, as Hamilton collects call information once someone had initiated to make a call, that reads on the claimed feature - billing a remote communication link".


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11/17/08